



#11

9200/1645

PATENT

ATTORNEY DOCKET NUMBER: 00398/502003

#11

Certificate of Mailing: Date of Deposit: 3/18/04

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Colleen Coyne

Printed name of person mailing correspondence

Colleen Coyne

Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew G. Plaut et al.

Art Unit: 1645

Serial No.: 10/021,952

Examiner: J. Hines

Filed: December 13, 2001

Customer No.: 21559

Title: COMPOSITIONS AND METHODS FOR PROTEOLYTICALLY  
INACTIVATING INFECTIOUS AGENTS USING LACTOFERRIN  
AND RELATED MOLECULES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 C.F.R. § 1.181(a) and MPEP 711.03(c)(I) and (II), applicants hereby petition to have the Notice of Abandonment that was mailed in connection with the above-captioned case on March 3, 2004 withdrawn. A copy of the Notice is enclosed. According to the Notice, the application was abandoned under 37 C.F.R. § 1.137 for applicants' failure to reply to an Office Action that, according to the Patent Office, was mailed on August 15, 2003. However, as explained below, this Office Action was never received from the U.S. Patent and Trademark Office.

The undersigned, applicants' attorney of record, first became aware of the abandonment on March 5, 2004, upon receipt of the Notice of Abandonment, and submits that this petition to withdraw the Notice is being promptly submitted as required by

MPEP 711.03(c)(I).

The following documents are submitted as proof that an Office Action was never received.

1. A copy of all docket reminders from the attorney's CPI patent docketing system for the above-referenced application, indicating an Office Action was never received.

Also enclosed is an original signed declaration by:

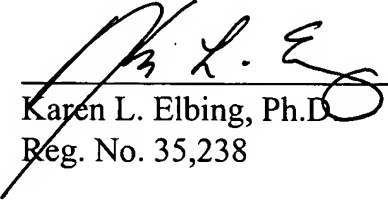
1. Karen L. Elbing, Ph.D., attesting on the basis of personal knowledge that the Office Action was never received.

Applicants submit that they never received an Office Action and request that the Notice of Abandonment be withdrawn. In addition, applicants request that a new Office Action be issued.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 17 March 2004

  
\_\_\_\_\_  
Karen L. Elbing, Ph.D.  
Reg. No. 35,238

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

F:\00398\00398.502003 Petition to Withdraw Notice of Abandonment PTO Error.doc